

PATENT Case No. 20177YP 1653

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Petrukhin, et al. P#10

Serial No. 09/622,964

Filed: December 12, 2000

For: BEST'S MACULAR DYSTROPHY GENE

Art Unit: \_\_\_\_\_

Examiner: \_\_\_\_\_

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JUN 23 2003

TECH CENTER 1600/2900

Assistant Commissioner for Patents  
Washington, D.C. 20231**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application.

This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.

MERCK &amp; CO., INC.

By

Date

6/16/03

**INFORMATION DISCLOSURE STATEMENT**

4. Except for Cite Nos. \_\_\_\_\_, copies of the references listed on the attached form are not enclosed because they have been submitted to or cited by the Office in a related application as follows:


RELATED APPLICATION		
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upon which the instant application relies for an earlier filing date under 35 U.S.C. 120. Therefore, pursuant to 37 C.F.R. 1.98(d), copies of these references are not enclosed herewith. If this is inconvenient, additional copies will be submitted upon request.

5. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☒ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Vineet Kohli  
Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 37,003  
MERCK & CO., INC.  
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Date: June 16, 2003

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE

## STATEMENT BY APPLICANT

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of

4

**COMPLETE IF KNOWN****Application Number**

09/622,964

**Filing Date**

December 12, 2000

**First Named Inventor**

Petrukhin, et al.

### Group Art Unit

Examiner Name

Attorney Docket Number

20177YP

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner  
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Date  
Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc. 10/05/2001

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Group Art Unit	
Examiner Name	
Attorney Docket Number	20177YP

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**OTHER NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Baribault, et al., 1989, Mol. Biol. Med., 6:481-492
		Capecchi, 1989, Science, 244:1288-1292
		Capecchi, 1989, Trends in Genet., 5:70-76
		Cunningham & Wells, 1989, Science, 244:1081-1085
		Forsman et al., 1992, Clin. Genet., 42:156-159
		Frohman et al., 1989, Cell, 56:145-147
		Hentze et al., 1986, Proc. Nat. Acad. Sci., 83:7226-7230
		Hopp & Woods, 1981, Proc. Natl. Acad. Sci. USA, 78:3824-3828
		Hou et al., 1996, Human Heredity, 46:211-220
		Jameson & Wolf, 1988, CABIOS (Computer Applications in the Biosciences), 4:181-186
		Kim, et al., 1988, Nucleic Acids Res. 16:8887-8903
		Kim, et al, 1991, Gene, 103:227-233
		Kohler & Milstein, 1975, Nature, 256:495-497
		Lin et al., 1985, Proc. Natl. Acad. Sci. USA, 82:1391-1395
		Mansour et al., 1988, Nature, 336:348-352

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**OTHER NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Michael et al., PCR Protocols: A Guide to Methods and Applications, eds., 1990, Academic Press
		Sedivy et al., 1989, Proc. Natl. Acad. Sci. USA, 86:227-231
		Smithies et al., 1985, Nature 317:230-234
		Sullivan & Daiger, 1996, Mol. Med. Today, 2:380-386
		Thomas et al., 1986, Cell, 44:419-428
		Thomas et al., 1987, Cell, 51:503-512
		Watson et al., Molecular Biology of the Gene, 1987, Fourth Ed., The Benjamin/Cummings Publishing Co., Inc., page 226

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